

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

PFE  
ORIGINAL  
(Red)

283341

SUBJECT: CERCLA §104(e) Alternative to  
U.S. Army - Occidental Site

DATE: 3-3-93

FROM: Harry R. Steinmetz (3HW11) *HS*  
Civil Investigator

TO: File

On March 2, 1993, I attended a meeting with Laura Janson, Larry S. Miller, Rodney Carter, Esq., EPA, Tony Dappolone and Linda Dietz concerning the above referenced site.

An outgrowth of this meeting was that I was to send a CERCLA §104(e) letter to the United States Army. On March 3, I spoke with Mike Rowe, an attorney with the United States Department of Justice. He represents the Army as well as the U.S. EPA on this site. He stressed that a §104(e) letter would be counter-productive at this time. I spoke with Mr. Rowe and Rodney Carter via a conference call and Mike outlined the potential problems to Rodney. Mike had previously spoken with Bill Hutchins, DOJ and assured him that if the Army could address the responses informally (apart from the potential public release via FOIA) and be granted additional time to respond, the information obtained could be more fruitful. Mr. Hutchins conveyed to Mike that this activity, if allowed, would not impede the PRN, assuming the U.S. Army agreed to "cooperate." Mike Rowe and I spoke with Lieutenant Colonel James S. Currie, Esq., U.S. Army via conference call. He agreed to respond to our questions within 45 days of receipt. Rodney Carter was agreeable to this arrangement since Bill Hutchins of DOJ concurred.

\* With this in mind, I am waiving the formal §104(e) request to the U.S. Army at this time and forwarding identical questions to them via an informal format, for their response.

cc: Laura Janson (3HW20)  
Rodney Carter (3RC21)  
Linda Dietz (3HW24)  
Larry S. Miller (3HW11)

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